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Security Council

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Security Council Committee established pursuant to resolution 1540 (2004)

Letter dated 1 December 2005 from the Permanent Representative of Kazakhstan to the United Nations addressed to the Chairman of the Committee

With reference to your letter dated 28 September 2005, I have the honour to transmit herewith additional information of the Government of the Republic of Kazakhstan corresponding to its national report on the implementation of resolution 1540 (2004) (see annex). The additional information in the matrix is marked with boldface type. The information requested on laws and regulations is also provided.

(*Signed*) Yerzhan Kh. **Kazykhanov**

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Annex to the letter dated 1 December 2005 from the Permanent Representative of Kazakhstan to the United Nations addressed to the Chairman of the Committee

[Original: Russian]

Replies by the Government of the Republic of Kazakhstan to the questions addressed by the Security Council Committee established pursuant to resolution 1540 (2004)

In response to the letter dated 28 September 2005 from the Chairman of the Security Council Committee established pursuant to resolution 1540 (2004), the Government of the Republic of Kazakhstan has the honour to submit the following information, consisting of replies to the Committee's questions and the matrix (see enclosure).

The Government has no objection to the inclusion in the matrix of official data previously contained on the website of the International Atomic Energy Agency (IAEA).

Question

National legislation or other legal measures that the Government of the Republic of Kazakhstan has implemented or intends to implement to prohibit any non-State actors to manufacture, acquire, possess, develop, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery, as well as attempts to engage in any of the foregoing activities, participate in them as an accomplice, assist or finance them.

Reply

One piece of domestic legislation regulating the above-mentioned activities is the Act "On nuclear energy use" of 14 April 1997.

In addition, the Criminal Code provides for penalties for the manufacture, acquisition or sale of weapons of mass destruction of any kind (arts. 158, 159 and 161).

With a view to prohibiting non-State actors from manufacturing, acquiring, possessing, developing, transporting, transferring or using nuclear, chemical or biological weapons and their means of delivery or engaging in any of the foregoing activities, participating in them as an accomplice or financing them, the Republic of Kazakhstan has acceded to a number of multilateral international agreements, the most important of which in this context are the Treaty on Cooperation among the States Members of the Commonwealth of Independent States (CIS) in Combating Terrorism, the International Convention for the Suppression of Terrorist Bombings and the Shanghai Convention on Combating Terrorism, Separatism and Extremism.

Question

Laws and regulations as well as law enforcement efforts that the Government of the Republic of Kazakhstan has taken or intends to take:

(a) To develop and maintain appropriate national measures to account for, secure and physically protect nuclear, chemical and biological weapons and their means of delivery, including related materials.

Reply

Government Decision No. 769 "On the organization of State accounting and control systems for nuclear materials and sources of ionizing radiation", of 22 July 2005;

Act No. 93-I "On nuclear energy use", of 14 April 1997, as amended by Act No. 13-III of 20 December 2004;

The Government of the Republic of Kazakhstan has also adopted the Act "On accession by the Republic of Kazakhstan to the Convention on the Physical Protection of Nuclear Material" of 22 December 2004. Ratification of the Convention is currently delayed owing to the introduction of corrections to the text of the Convention at the forty-ninth session of IAEA in 2005.

On 22 June 1993, the Government adopted Decision No. 525-23 "On the establishment of special agencies of the Ministry of the Interior of the Republic of Kazakhstan and special units of Ministry of the Interior forces of the Republic of Kazakhstan", under which such agencies and units would be required to take the necessary measures to provide operational servicing, guarding and physical protection of restricted, highly secure and protected premises or areas.

The establishment of special police agencies and special units of Ministry of the Interior forces has been instrumental in preventing dangerous incidents or theft of equipment or components from nuclear premises located in the territory of Kazakhstan.

Supplementary measures to ensure the security of restricted premises are currently being implemented.

Question

(b) To develop and maintain appropriate national border controls to detect, deter, prevent and combat the illicit trafficking and brokering of nuclear, chemical, biological weapons and their means of delivery, including related materials.

Reply

National border controls over nuclear, chemical and biological weapons and their means of delivery, including related materials, are exercised by two departments in Kazakhstan: the Border Control Committee of the Ministry of Finance (Decree of the President of the Republic of Kazakhstan No. 1449 "On measures for the further improvement of the State administration system of the Republic of Kazakhstan", of 29 September 2004) and the Border Service of the National Security Committee.

The basic legislation is Act No. 9-I "On export controls", of 18 June 1996, and the Customs Code.

Article 19, paragraph 12, of the Customs Code states: "The customs bodies shall: ... conduct radiation controls at entry points for goods and vehicles across the State (customs) border of the Republic of Kazakhstan".

Question

(c) To review and maintain appropriate national export and trans-shipment controls over nuclear, chemical and biological weapons and their means of delivery, including related materials.

Reply

Government Decision No. 1143 "Specific issues relating to the transit of products subject to export controls", of 11 August 1999;

Act No. 9-I "On export controls", of 18 June 1996;

Government Decision No. 1282 "On approval of the schedule of products subject to export controls in the Republic of Kazakhstan", of 18 August 2000.

Question

Steps that the Government of the Republic of Kazakhstan has taken or plans to take in establishing and enforcing appropriate criminal or civil penalties for violations of such export control laws and regulations.

Reply

Article 158 of the Criminal Code, "Manufacture or distribution of weapons of mass destruction" provides for a penalty in the form of imprisonment for 5 to 10 years for the manufacture, acquisition or sale of chemical, biological or other forms of weapons of mass destruction prohibited by an international agreement to which the Republic of Kazakhstan is a party.

Article 159 of the Criminal Code, "Use of prohibited means of warfare", provides for a penalty in the form of imprisonment for 10 to 20 years or the death penalty or life imprisonment for using weapons of mass destruction prohibited under international agreements to which the Republic of Kazakhstan is party.

Article 161 of the Criminal Code, "Ecocide", provides for a penalty in the form of imprisonment for 10 to 15 years for mass destruction of plant or animal life, poisoning of the atmosphere or terrestrial or water resources and other acts causing or capable of causing environmental disaster.

Enclosure

[Original: Russian]

OP 1 and related matters from OP 5, OP 6, OP 8 (a), (b), (c) and OP 10

State: **Kazakhstan**

Date of report: 3 November 2004

Additional information provided: 1 December 2005 (additions in bold)

Did you make one of the following statements or is your country a State Party to or Member State of one of the following Conventions, Treaties and Arrangements?		*YES*	*If YES, indicate relevant information (i.e. signing, accession, ratification, entering into force, etc.)*	*Remarks (information refers to the page of the English version of the report or our official website)*
1	General statement on non-possession of WMD	X	**Kazakhstan signalled its rejection of its nuclear heritage by closing the Semipalatinsk test site**	Page 7 of the report
2	General statement on commitment to disarmament and non-proliferation	X	Policy on non-proliferation of WMD is determined in accordance with foreign policy, which is based on the commitment to strengthen international security	Page 2 of the report.
3	General statement on non-provision of WMD and related materials to non-State actors	X	Kazakhstan takes systematic practical action to prevent and suppress the proliferation of WMD	Page 10 of the report
4	Biological Weapons Convention (BWC)	X	**Kazakhstan is currently completing internal procedures for accession to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction. A bill is under consideration by the Senate**	
5	Chemical Weapons Convention (CWC)	X	**Ratified on 24 June 1999**	Pages 7 and 9 of the report

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Did you make one of the following statements or is your country a State Party to or Member State of one of the following Conventions, Treaties and Arrangements?		*YES*	*If YES, indicate relevant information (i.e. signing, accession, ratification, entering into force, etc.)*	*Remarks (information refers to the page of the English version of the report or an official website)*
6	Nuclear Non-Proliferation Treaty (NPT)	X	**1. Decision of the Supreme Council of the Republic of Kazakhstan No. 2593 "On accession to the Nuclear Non-Proliferation Treaty (NPT)", of 13 December 1993** **2. Memorandum of 5 December 1994 on security guarantees in connection with accession to NPT by Kazakhstan; NPT ratified 13 December 1993**	Pages 2 and 6 of the report
7	Comprehensive Nuclear-Test-Ban Treaty (CTBT)	X	**Ratified on 14 December 2001**	Pages 2 and 7 of the report
8	Convention on Physical Protection of Nuclear Material (CPPNM)	X	**Act of the Republic of Kazakhstan "On accession by the Republic of Kazakhstan to the Convention on the Physical Protection of Nuclear Material", of 22 December 2004. Ratification delayed owing to introduction of corrections to text of Convention at forty-ninth session of IAEA in 2005**	
9	Hague Code of Conduct (HCOC)	X	**Acceded by diplomatic note of 9 July 2005**	
10	Geneva Protocol of 1925	X	**By its accession to BWC, Kazakhstan "acknowledges the importance of the Protocol"**	
11	International Atomic Energy Agency (IAEA)	X	**Became the 121st member on 14 February 1994**	Page 2 of the report
12	Nuclear-Weapon-Free Zone/Protocol(s)	X	**An agreement on a nuclear-weapon-free zone in Central Asia is being prepared for signature**	
13	Other conventions/treaties	X	1. Convention on Nuclear Safety 2. Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management 3. Treaty on the Reduction and Limitation of Strategic Offensive Arms 4. Treaty on the Elimination of Their Intermediate-Range and Shorter-Range Missiles	Pages 2, 7, 8 and 9 of the report
14	Other arrangements	X	Nuclear Supplies Group (NSG), **2002**	Page 6 of the report

Did you make one of the following statements or is your country a State Party to or Member State of one of the following Conventions, Treaties and Arrangements?		*YES*	*If YES, indicate relevant information (i.e. signing, accession, ratification, entering into force, etc.)*	*Remarks (information refers to the page of the English version of the report or an official website)*
15	Other	X	**1. Euro-Atlantic Partnership Council (EAPC), 1992** **2. Proliferation Security Initiative, June 2005** **3. G-8 Global Partnership against the Spread of Weapons and Materials of Mass Destruction, June 2005**	

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OP 2 — Biological Weapons (BW)

State: **Kazakhstan**

Date of report: 3 November 2004

Does national legislation exist which prohibits persons or entities to engage in one of the following activities? Can violators be penalized?		*National legal framework*		*Enforcement: civil/criminal penalties and others*		*Remarks*
		YES	*If YES, indicate source document of national implementation law*	*YES*	*If YES, indicate source document*	
1	Manufacture/produce	X	**Articles 158 and 243 of the Criminal Code of 16 July 1997**			
2	Acquire	X	**Article 255 of the Criminal Code of 16 July 1997**			
3	Possess	X	**Article 7 of the Act "On combating terrorism" of 13 July 1999**			
4	Stockpile/store	X	**Article 7 of the Act "On combating terrorism" of 13 July 1999**			
5	Develop	X	**Articles 158 and 243 of the Criminal Code of 16 July 1997**			
6	Transport	X	**1. Articles 158 and 250 of the Criminal Code of 16 July 1997** **2. Article 7 of the Act "On combating terrorism" of 13 July 1999**			
7	Transfer	X	**1. Articles 158 and 250 of the Criminal Code of 16 July 1997** **2. Article 7 of the Act "On combating terrorism" of 13 July 1999**			
8	Use	X	**Article 159 of the Criminal Code of 16 July 1997**			

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Does national legislation exist which prohibits persons or entities to engage in one of the following activities? Can violators be penalized?		*National legal framework*		*Enforcement: civil/criminal penalties and others*		
		YES	*If YES, indicate source document of national implementation law*	*YES*	*If YES, indicate source document*	*Remarks*
9	Participate as an accomplice in a.m. activities	X	**1. Article 158 of the Criminal Code of 16 July 1997** **2. Article 7 of the Act "On combating terrorism" of 13 July 1999**			
10	Assist in a.m. activities	X	**1. Articles 158 and 159 of the Criminal Code of 16 July 1997** **2. Article 7 of the Act "On combating terrorism" of 13 July 1999**			
11	Finance a.m. activities	X	**1. Article 8-1 of the Act "On export controls", 1996** **2. Article 1 of the Act "On combating terrorism" of 13 July 1999**			
12	A.m. activities related to means of delivery	X	**1. Article 8-1 of the Act "On export controls", 1996** **2. Article 243 of the Criminal Code of 16 July 1997**			
13	Involvement of non-State actors in a.m. activities	X	Act "On combating terrorism" of 13 July 1999, as amended			Page 3 of the report
14	Other	X	**State bodies are developing a policy framework on biological and chemical safety in the Republic of Kazakhstan**			Page 9 of the report

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OP 2 — Chemical Weapons (CW)

State: **Kazakhstan**

Date of report: 3 November 2004

Does national legislation exist which prohibits persons or entities to engage in one of the following activities? Can violators be penalized?		*National legal framework*		*Enforcement: civil/criminal penalties and others*		
		YES	*If YES, indicate source document of national implementation law*	*YES*	*If YES, indicate source document*	*Remarks*
1	Manufacture/produce	X	**Articles 158 and 243 of the Criminal Code of 16 July 1997**			
2	Acquire	X	**Article 255 of the Criminal Code of 16 July 1997**			
3	Possess	X	**Article 7 of the Act "On combating terrorism" of 13 July 1999**			
4	Stockpile/store	X	**Article 7 of the Act "On combating terrorism" of 13 July 1999**			
5	Develop	X	**Articles 158 and 243 of the Criminal Code of 16 July 1997**			
6	Transport	X	**1. Articles 158 and 250 of the Criminal Code of 16 July 1997** **2. Article 7 of the Act "On combating terrorism" of 13 July 1999**			
7	Transfer	X	**1. Articles 158 and 250 of the Criminal Code of 16 July 1997** **2. Article 7 of the Act "On combating terrorism" of 13 July 1999**			
8	Use	X	**Article 159 of the Criminal Code of 16 July 1997**			

Does national legislation exist which prohibits persons or entities to engage in one of the following activities? Can violators be penalized?		*National legal framework*		*Enforcement: civil/criminal penalties and others*		
		YES	*If YES, indicate source document of national implementation law*	*YES*	*If YES, indicate source document*	*Remarks*
9	Participate as an accomplice in a.m. activities	X	**1. Article 158 of the Criminal Code of 16 July 1997** **2. Article 7 of the Act "On combating terrorism" of 13 July 1999**			
10	Assist in a.m. activities	X	**1. Articles 158 and 159 of the Criminal Code of 16 July 1997** **2. Article 7 of the Act "On combating terrorism" of 13 July 1999**			
11	Finance a.m. activities	X	**1. Article 8-1 of the Act "On export controls", 1996** **2. Article 1 of the Act "On combating terrorism" of 13 July 1999**			
12	A.m. activities related to means of delivery	X	**1. Article 8-1 of the Act "On export controls", 1996** **2. Article 243 of the Criminal Code of 16 July 1997**			
13	Involvement of non-State actors in a.m. activities	X	Act "On combating terrorism" of 13 July 1999, as amended			Page 3 of the report
14	Other	X	**State bodies are developing a policy framework on biological and chemical safety in the Republic of Kazakhstan**			

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OP 2 — Nuclear Weapons (NW)

State: **Kazakhstan**

Date of report: 3 November 2004

Does national legislation exist which prohibits persons or entities to engage in one of the following activities? Can violators be penalized?		*National legal framework*		*Enforcement: civil/criminal penalties and others*		
		YES	*If YES, indicate source document of national implementation law*	*YES*	*If YES, indicate source document*	*Remarks*
1	Manufacture/produce	X	**1. Articles 158 and 243 of the Criminal Code of 16 July 1997** **2. Act "On nuclear energy use" of 14 April 1997**			
2	Acquire	X	**1. Article 255 of the Criminal Code of 16 July 1997** **2. Act "On nuclear energy use" of 14 April 1997**			
3	Possess	X	**1. Article 7 of the Act "On combating terrorism" of 13 July 1999** **2. Act "On nuclear energy use" of 14 April 1997**			
4	Stockpile/store	X	**1. Article 7 of the Act "On combating terrorism" of 13 July 1999** **2. Act "On nuclear energy use" of 14 April 1997**			
5	Develop	X	**1. Articles 158 and 243 of the Criminal Code of 16 July 1997** **2. Act "On nuclear energy use" of 14 April 1997**			

Does national legislation exist which prohibits persons or entities to engage in one of the following activities? Can violators be penalized?		*National legal framework*		*Enforcement: civil/criminal penalties and others*		*Remarks*
		YES	*If YES, indicate source document of national implementation law*	*YES*	*If YES, indicate source document*	
6	Transport	**X**	**1. Articles 158 and 250 of the Criminal Code of 16 July 1997** **2. Article 7 of the Act "On combating terrorism" of 13 July 1999** **3. Act "On nuclear energy use" of 14 April 1997**			
7	Transfer	**X**	**1. Articles 158 and 250 of the Criminal Code of 16 July 1997** **2. Article 7 of the Act "On combating terrorism" of 13 July 1999** **3. Act "On nuclear energy use" of 14 April 1997**			
8	Use	**X**	**1. Article 159 of the Criminal Code of 16 July 1997** **2. Act "On nuclear energy use" of 14 April 1997**			
9	Participate as an accomplice in a.m. activities	**X**	**1. Article 158 of the Criminal Code of 16 July 1997** **2. Article 7 of the Act "On combating terrorism" of 13 July 1999** **3. Act "On nuclear energy use" of 14 April 1997**			
10	Assist in a.m. activities	**X**	**1. Articles 158 and 159 of the Criminal Code of 16 July 1997** **2. Article 7 of the Act "On combating terrorism" of 13 July 1999** **3. Act "On nuclear energy use" of 14 April 1997**			

Does national legislation exist which prohibits persons or entities to engage in one of the following activities? Can violators be penalized?		*National legal framework*		*Enforcement: civil/criminal penalties and others*		
		YES	*If YES, indicate source document of national implementation law*	*YES*	*If YES, indicate source document*	*Remarks*
11	Finance a.m. activities	**X**	**1. Article 8-1 of the Act "On export controls", 1996** **2. Article 1 of the Act "On combating terrorism" of 13 July 1999** **3. Act "On nuclear energy use" of 14 April 1997**			
12	A.m. activities related to means of delivery	**X**	**1. Article 8-1 of the Act "On export controls", 1996** **2. Article 243 of the Criminal Code of 16 July 1997** **3. Act "On nuclear energy use" of 14 April 1997**			
13	Involvement of non-State actors in a.m. activities	**X**	Act "On combating terrorism" of 13 July 1999, as amended			Page 3 of the report
14	Other	**X**				

OP 3 (a) and (b) — Account for/Secure/Physically protect BW including Related Materials

State: **Kazakhstan**

Date of report: 3 November 2004

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect BW and Related Materials? Can violators be penalized?		*National legal framework*		*Enforcement: civil/criminal penalties, and others*		
		YES	*If YES, indicate source document*	*YES*	*If YES, indicate source document*	*Remarks*
1	Measures to account for production					
2	Measures to account for use					
3	Measures to account for storage					
4	Measures to account for transport					
5	Other measures for accounting					
6	Measures to secure production					
7	Measures to secure use					
8	Measures to secure storage					
9	Measures to secure transport					
10	Other measures for securing					
11	Regulations for physical protection of facilities/ materials/transports					
12	Licensing/registration of facilities/persons handling biological materials					
13	Reliability check of personnel					
14	Measures to account for/secure/ physically protect means of delivery					
15	Regulations for genetic engineering work					

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect BW and Related Materials? Can violators be penalized?		*National legal framework*		*Enforcement, civil/criminal penalties, and others*		*Remarks*
		YES	*If YES, indicate source document*	*YES*	*If YES, indicate source document*	
16	Other legislation/regulations related to safety and security of biological materials					
17	Other					

OP 3 (a) and (b) — Account for/Secure/Physically protect CW including Related Materials

State: **Kazakhstan**

Date of report: 3 November 2004

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect CW and Related Materials? Can violators be penalized?		*National legal framework*		*Enforcement: civil/criminal penalties, and others*		*Remarks*
		YES	*If YES, indicate source document*	*YES*	*If YES, indicate source document*	
1	Measures to account for production					
2	Measures to account for use					
3	Measures to account for storage					
4	Measures to account for transport					
5	Other measures for accounting					
6	Measures to secure production					
7	Measures to secure use					
8	Measures to secure storage					
9	Measures to secure transport					
10	Other measures for securing					
11	Regulations for physical protection of facilities/ materials/transports					
12	Licensing of chemical installations/entities/use of materials					
13	Reliability check of personnel					
14	Measures to account for/secure/ physically protect means of delivery					
15	National CWC authority	X	**Ministry of Energy and Mineral Resources**			

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect CW and Related Materials? Can violators be penalized?		*National legal framework*		*Enforcement: civil/criminal penalties, and others*		*Remarks*
		YES	*If YES, indicate source document*	*YES*	*If YES, indicate source document*	
16	Reporting Schedule I, II and III chemicals to OPCW	X	**Only Schedule III chemicals manufacture and sale declared. No Schedule I and II chemicals in the territory of Kazakhstan**			
17	Account for, secure or physically protect old chemical weapons					
18	Other legislation/regulations controlling chemical materials	X	**Act "On narcotic drugs, psychotrophic substances and their precursors and measures to prevent illegal trafficking and abuse" of 10 July 1998**			
19	Other					

OP 3 (a) and (b) — Account for/Secure/Physically protect NW including Related Materials

State: **Kazakhstan**

Date of report: 3 November 2004

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect NW and Related Materials? Can violators be penalized?		*National legal framework*		*Enforcement: civil/criminal penalties, and others*		
		YES	*If YES, indicate source document*	*YES*	*If YES, indicate source document*	*Remarks*
1	Measures to account for production	X	**1. Article 15 of the Act "On nuclear energy use" of 14 April 1997**	X	Article 249 of the Criminal Code	Page 4 of the report *http://www.iaea.org/OurWork/SV/Safeguards/sir_table.pdf*
2	Measures to account for use	X		X		
3	Measures to account for storage	X	**2. Government Decision No. 769 "On the organization of State accounting and control systems for nuclear materials and sources of ionizing radiation" of 22 July 2005**	X		
4	Measures to account for transport	X	**Act "On nuclear energy use" of 14 April 1997**			
5	Other measures for accounting	X	**Government Decision No. 769 "On the organization of State accounting and control systems for nuclear materials and sources of ionizing radiation", of 22 July 2005**			
6	Measures to secure production	X	**Government Decision No. 769 "On the organization of State accounting and control systems for nuclear materials and sources of ionizing radiation" of 22 July 2005**			
7	Measures to secure use	X	**Government Decision No. 769 "On the organization of State accounting and control systems for nuclear materials and sources of ionizing radiation", of 22 July 2005**	X	Articles 247, 248 and 249 of the Criminal Code	Pages 3 and 4 of the report

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect NW and Related Materials? Can violators be penalized?		*National legal framework*		*Enforcement: civil/criminal penalties, and others*		
		YES	*If YES, indicate source document*	*YES*	*If YES, indicate source document*	*Remarks*
8	Measures to secure storage	X	**Government Decision No. 769 "On the organization of State accounting and control systems for nuclear materials and sources of ionizing radiation" of 22 July 2005**	X		
9	Measures to secure transport	X	**Government Decision No. 769 "On the organization of State accounting and control systems for nuclear materials and sources of ionizing radiation" of 22 July 2005**	X		
10	Other measures for securing	X	**Government Decision No. 769 "On the organization of State accounting and control systems for nuclear materials and sources of ionizing radiation" of 22 July 2005**			
11	Regulations for physical protection of facilities/ materials/transports					
12	Licensing of nuclear installations/entities/use of materials	X	**1. Article 11 of the Act "On nuclear energy use" of 14 April 1997** **2. Article 9 of the Act "On licensing" of 17 April 1995** **3. Government Decision No. 100 "On approval of the Regulations on the licensing of activities relating to nuclear energy use" of 12 February 1998**			

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect NW and Related Materials? Can violators be penalized?		*National legal framework*		*Enforcement: civil/criminal penalties, and others*		
		YES	*If YES, indicate source document*	*YES*	*If YES, indicate source document*	*Remarks*
13	Reliability check of personnel					
14	Measures to account for/secure/ physically protect means of delivery	X	**Government Decision No. 769 "On the organization of State accounting and control systems for nuclear materials and sources of ionizing radiation of 22 July 2005**			
15	National regulatory authority	X	**Government Decision No. 1108 "Questions relating to the Nuclear Energy Committee of the Ministry of Energy and Mineral Resources of the Republic of Kazakhstan" of 28 October 2004**			
16	IAEA Safeguards Agreements	X	**1. Kazakhstan's IAEA Safeguards Agreement was signed on 26 July 1994 and ratified on 19 June 1995 by Presidential Decree No. 2344** 2. Additional protocol signed on 6 February 2004			Page 8 of the report *http://www.iaea.org/OurWork/SV/Safeguards/sir_table.pdf*
17	IAEA Code of Conduct on Safety and Security of Radioactive Sources	X	Internal procedures not applied			Page 8 of the report
18	IAEA Database on Illicit Trafficking of Nuclear Materials and other Radioactive Sources	X	**Government Decision No. 525-23 "On the establishment of special agencies of the Ministry of the Interior of the Republic of Kazakhstan and special units of Ministry of the Interior forces of the Republic of Kazakhstan" of 22 June 1993**			
19	Other agreements related to IAEA	X	**Additional protocol to the Safeguards Agreement signed on 6 February 2004**			

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect NW and Related Materials? Can violators be penalized?		*National legal framework*		*Enforcement: civil/criminal penalties, and others*		*Remarks*
		YES	*If YES, indicate source document*	*YES*	*If YES, indicate source document*	
20	Additional national legislation/ regulations related to nuclear materials including CPPNM	X	**1. Government Decision No. 769 "On the organization of State accounting and control systems for nuclear materials and sources of ionizing radiation" of 22 July 2005** **2. Act "On nuclear energy use" of 14 April 1997**			
21	Other	X		X	1. All nuclear warheads have been removed from the territory of Kazakhstan 2. Semipalatinsk nuclear test site closed 3. Conversion of former test-site infrastructure	Page 2 of the report

OP 3 (c) and (d) and related matters from OP 6 and OP 10 — Controls of BW including Related Materials

State: **Kazakhstan**

Date of report: 3 November 2004

Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of BW and Related Materials? Can violators be penalized?		*National legal framework*		*Enforcement: civil/criminal penalties, and measures of implementation, etc.*		*Remarks*
		YES	*If YES, indicate source document*	*YES*	*If YES, indicate source document*	
1	Border control	X	Act "On combating terrorism" of 13 July 1999, as amended	X	Article 250 of the Criminal Code	Page 3 of the report
2	Technical support of border control measures					
3	Control of brokering, trading in, negotiating, otherwise assisting in sale of goods and technology					
4	Enforcement agencies/authorities	X	**1. Customs Control Committee of the Ministry of Finance** **2. Border Service of the National Security Committee**			
5	Export control legislation in place	X	**1. Act "On export controls" 1996** **2. Government Decision No. 1917 "On improvement of the export control system" of December 1999** **3. Government Decision No. 1143 "Specific issues relating to the transit of products subject to export control" of August 1999** **4. Government Decision No. 1037 "On the licensing of the export and import of goods (works, services) in the Republic of Kazakhstan" of 30 June 1997**	X	Article 243 of the Criminal Code	Pages 3, 4 and 5 of the report

Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of BW and Related Materials? Can violators be penalized?		*National legal framework*		*Enforcement: civil/criminal penalties, and measures of implementation, etc.*		*Remarks*
		YES	*If YES, indicate source document*	*YES*	*If YES, indicate source document*	
			5. Government Decision No. 1282 "On approval of the Schedule of products subject to export control in the Republic of Kazakhstan", of 18 August 2000 **6. Government Decision No. 1919 "On approval of the Regulations on implementing export controls in the Republic of Kazakhstan and the Regulations on registering requirements for the use of products subject to export control brought into the Republic of Kazakhstan and checks on compliance" of December 1999**			
6	Licensing provisions	**X**	**1. Act "On licensing" of 17 April 1995** **2. Government Decision No. 1037 "On the licensing of the export and import of goods (works, services) in the Republic of Kazakhstan" of 30 June 1997**			Page 5 of the report
7	Individual licensing	**X**	**Article 4 of the Act "On licensing" of 17 April 1995**			
8	General licensing	**X**	**Article 4 of the Act "On licensing" of 17 April 1995**			
9	Exceptions from licensing	**X**	**Article 9 of the Act "On licensing" of 17 April 1995**			
10	Licensing of deemed export/visa	**X**	**Chapter 3, article 13 of the Act "On licensing" of 17 April 1995**			

Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of BW and Related Materials? Can violators be penalized?		*National legal framework*		*Enforcement: civil/criminal penalties, and measures of implementation, etc.*		*Remarks*
		YES	*If YES, indicate source document*	*YES*	*If YES, indicate source document*	
11	National licensing authority	X	**Industry and Scientific and Technical Development Committee of the Ministry of Industry and Trade**			Page 5 of the report
12	Interagency review for licences	X	**Article 15 of the Act "On licensing" of 17 April 1995**			
13	Control lists	X	**1. Article 6 of the Act "On export controls" 1996** **2. Government Decision No. 1282 "On approval of the Schedule of products subject to export control in the Republic of Kazakhstan" of August 2000**			Pages 4, 5 and 6 of the report
14	Updating of lists					
15	Inclusion of technologies	X	**Article 6 of the Act "On export controls" 1996**	X	Article 243 of the Criminal Code	Pages 3, 5 and 6 of the report
16	Inclusion of means of delivery	X				
17	End-user controls	X	**Article 2 of the Act "On export controls" 1996**			Page 5 of the report
18	Catch all clause	X	**Act "On export controls" 1996**			
19	Intangible transfers	X	**Act "On export controls" 1996**	X	Article 243 of the Criminal Code	Page 3 of the report
20	Transit control	X	**1. Article 4 of the Act "On export controls", 1996** **2. Act "On combating terrorism" of 13 July 1999, as amended on 19 February 2002** **3. Government Decision No. 1143 "Specific issues relating to the transit of products subject to export control" of 1999**			Pages 3 and 6 of the report

Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of BW and Related Materials? Can violators be penalized?		*National legal framework*		*Enforcement: civil/criminal penalties, and measures of implementation, etc.*		
		YES	*If YES, indicate source document*	*YES*	*If YES, indicate source document*	*Rem.*
21	Trans-shipment control	X	Government Decision No. 1143 "Specific issues relating to the transit of products subject to export control" of 1999			
22	Re-export control	X	**1. Article 4 of the Act "On export controls" 1996** **2. Government Decision No. 1919 "On approval of the Regulations on implementing export controls in the Republic of Kazakhstan and the Regulations on registering requirements for the use of products subject to export control brought into the Republic of Kazakhstan and checks on compliance" of December 1999**			Page 6 of the report
23	Control of providing funds					
24	Control of providing transport services					
25	Control of importation	X	**1. Article 4 of the Act "On export controls" 1996** **2. Government Decision No. 1919 "On approval of the Regulations on implementing export controls in the Republic of Kazakhstan and the Regulations on registering requirements for the use of products subject to export control brought into the Republic of Kazakhstan and checks on compliance" of December 1999**			Page 6 of the report

Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of BW and Related Materials? Can violators be penalized?		*National legal framework*		*Enforcement: civil/criminal penalties, and measures of implementation, etc*		*Remarks*
		YES	*If YES, indicate source document*	*YES*	*If YES, indicate source document*	
			3. Government Decision No. 1037 "On the licensing of the export and import of goods (works, services) in the Republic of Kazakhstan" of June 1997			
26	Extraterritorial applicability					
27	Other	**X**	**The Government adopts an annual plan of action for the further improvement of the export control system**			Page 4 of the report

OP 3 (c) and (d) and related matters from OP 6 and OP 10 — Controls of CW including Related Materials

State: **Kazakhstan**

Date of report: 3 November 2004

Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of CW and Related Materials? Can violators be penalized?		*National legal framework*		*Enforcement: civil/criminal penalties, and measures of implementation, etc.*		*Remarks*
		YES	*If YES, indicate source document*	*YES*	*If YES, indicate source document*	
1	Border control	X	1. Act "On combating terrorism" of 13 July 1999, as amended **2. Article 19, paragraph 12, of the Customs Code of 5 April 2003**	X	Article 250 of the Criminal Code	Page 3 of the report
2	Technical support of border control measures	X	**An automated export control system has been in operation since 2000**			
3	Control of brokering, trading in, negotiating, otherwise assisting in sale of goods and technology					
4	Enforcement agencies/authorities	X	**1. Customs Control Committee of the Ministry of Finance** **2. Border Service of the National Security Committee**			
5	Export control legislation in place	X	**1. Act "On export controls", 1996** **2. Government Decision No. 1917 "On improvement of the export control system" of December 1999** **3. Government Decision No. 1143 "Specific issues relating to the transit of products subject to export control" of August 1999**	X	Article 243 of the Criminal Code	Pages 3, 4 and 5 of the report

Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of CW and Related Materials? Can violators be penalized?		*National legal framework*		*Enforcement: civil/criminal penalties, and measures of implementation, etc.*		*Remarks*
		YES	*If YES, indicate source document*	*YES*	*If YES, indicate source document*	
			4. Government Decision No. 1037 "On the licensing of the export and import of goods (works, services) in the Republic of Kazakhstan" of 30 June 1997 **5. Government Decision No. 1282 "On approval of the Schedule of products subject to export control in the Republic of Kazakhstan" of 18 August 2000** **6. Government Decision No. 1919 "On approval of the Regulations on implementing export controls in the Republic of Kazakhstan and the Regulations on registering requirements for the use of products subject to export control brought into the Republic of Kazakhstan and checks on compliance" of December 1999**			
6	Licensing provisions	**X**	**1. Act "On licensing" of 17 April 1995** **2. Government Decision No. 1037 "On the licensing of the export and import of goods (works, services) in the Republic of Kazakhstan" of 30 June 1997** **Government Decision No. 183 no longer in force**			Page 5 of the report
7	Individual licensing	**X**	**Article 4 of the Act "On licensing" of 17 April 1995**			

Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of CW and Related Materials? Can violators be penalized?		*National legal framework*		*Enforcement: civil/criminal penalties, and measures of implementation, etc.*		*Remarks*
		YES	*If YES, indicate source document*	*YES*	*If YES, indicate source document*	
8	General licensing	X	**Article 4 of the Act "On licensing" of 17 April 1995**			
9	Exceptions from licensing	X	**Article 9 of the Act "On licensing" of 17 April 1995**			
10	Licensing of deemed export/visa	X	**Chapter 3, article 13 of the Act "On licensing" of 17 April 1995**			
11	National licensing authority	X	**Industry and Scientific and Technical Development Committee of the Ministry of Industry and Trade**			Page 5 of the report
12	Interagency review for licences	X	**Article 15 of the Act "On licensing" of 17 April 1995**			
13	Control lists	X	**1. Article 6 of the Act "On export controls", 1996** **2. Government Decision No. 1282 "On approval of the Schedule of products subject to export control in the Republic of Kazakhstan" of August 2000**			Pages 4, 5 and 6 of the report
14	Updating of lists		**Lists are regularly updated, inter alia to take into account amendments introduced by international export control regimes**			
15	Inclusion of technologies	X	**Article 6 of the Act "On export controls", 1996**	X	Article 243 of the Criminal Code	Pages 3, 5 and 6 of the report
16	Inclusion of means of delivery	X				
17	End-user controls	X	**Article 6 of the Act "On export controls", 1996**			Page 5 of the report
18	Catch all clause		**Act "On export controls", 1996**			
19	Intangible transfers		**Act "On export controls", 1996**	X	Article 243 of the Criminal Code	Page 3 of the report

Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of CW and Related Materials? Can violators be penalized?		*National legal framework*		*Enforcement: civil/criminal penalties, and measures of implementation, etc.*		*Remarks*
		YES	*If YES, indicate source document*	*YES*	*If YES, indicate source document*	
20	Transit control	X	**1. Article 4 of the Act "On export controls", 1996** 2. Act "On combating terrorism" of 13 July 1999, as amended on 19 February 2002 **3. Government Decision No. 1143 "Specific issues of the transit of products subject to export control" of 1999**			Pages 3 and 6 of the report
21	Trans-shipment control	X	**Government Decision No. 1143 "Specific issues relating to the transit of products subject to export control" of 1999**			
22	Re-export control	X	**Article 4 of the Act "On export controls", 1996**			Page 6 of the report
23	Control of providing funds					
24	Control of providing transport services					
25	Control of importation	X	**1. Article 4 of the Act "On export controls", 1996** **2. Government Decision No. 1919 "On approval of the Regulations on implementing export controls in the Republic of Kazakhstan and the Regulations on registering requirements for the use of products subject to export control brought into the Republic of Kazakhstan and checks on compliance" of December 1999**			Page 6 of the report

Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of CW and Related Materials? Can violators be penalized?		*National legal framework*		*Enforcement: civil/criminal penalties, and measures of implementation, etc.*		*Remarks*
		YES	*If YES, indicate source document*	*YES*	*If YES, indicate source document*	
			3. Government Decision No. 1037 "On the licensing of the export and import of goods (works, services) in the Republic of Kazakhstan" of June 1997			
26	Extraterritorial applicability					
27	Other	**X**	**The Government adopts an annual plan of action for the further improvement of the export control system**	**X**	**An automated export control system has been in operation since 2000**	Page 4 of the report

OP 3 (c) and (d) and related matters from OP 6 and OP 10 — Controls of NW including Related Materials

State: **Kazakhstan**

Date of report: 3 November 2004

Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of CW and Related Materials? Can violators be penalized?		*National legal framework*		*Enforcement: civil/criminal penalties, and measures of implementation, etc.*		*Remarks*
		YES	*If YES, indicate source document*	*YES*	*If YES, indicate source document*	
1	Border control	X	Act "On combating terrorism" of 13 July 1999, as amended **Article 19, paragraph 12, of the Customs Code, 2003**	X	Articles 247, 248 and 250 of the Criminal Code	Page 3 of the report
2	Technical support of border control measures					
3	Control of brokering, trading in, negotiating, otherwise assisting in sale of goods and technology					
4	Enforcement agencies/authorities		**Customs Control Committee of the Ministry of Finance** **Border Service of the National Security Committee**			
5	Export control legislation in place	X	**1. Act "On export controls", 1996** **2. Government Decision No. 1917 "On improvement of the export control system" of December 1999** **3. Government Decision No. 1143 "Specific issues relating to the transit of products subject to export control" of August 1999** **4. Government Decision No. 1037 "On the licensing of the export and import of goods (works, services) in the Republic of Kazakhstan" of 30 June 1997**	X	Article 243 of the Criminal Code	Pages 3, 4 and 5 of the report

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Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of CW and Related Materials? Can violators be penalized?		*National legal framework*		*Enforcement: civil/criminal penalties, and measures of implementation, etc*		*Remarks*
		YES	*If YES, indicate source document*	*YES*	*If YES, indicate source document*	
			5. Government Decision No. 1282 "On approval of the Schedule of products subject to export control in the Republic of Kazakhstan" of 18 August 2000 **6. Government Decision No. 1919 "On approval of the Regulations on implementing export controls in the Republic of Kazakhstan and the Regulations on registering requirements for the use of products subject to export control brought into the Republic of Kazakhstan and checks on compliance" of December 1999**			
6	Licensing provisions	**X**	**Government Decision No. 1037 "On the licensing of the export and import of goods (works, services) in the Republic of Kazakhstan" of 30 June 1997**			Page 5 of the report
7	Individual licensing	**X**	**Article 4 of the Act "On licensing" of 17 April 1995**			
8	General licensing	**X**	**Article 4 of the Act "On licensing" of 17 April 1995**			
9	Exceptions from licensing	**X**	**Article 9 of the Act "On licensing" of 17 April 1995**			

Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of CW and Related Materials? Can violators be penalized?		*National legal framework*		*Enforcement: civil/criminal penalties, and measures of implementation, etc.*		*Remarks*
		YES	*If YES, indicate source document*	*YES*	*If YES, indicate source document*	
10	Licensing of deemed export/visa	X	**Chapter 3, article 13, of the Act "On licensing" of 17 April 1995**			
11	National licensing authority	X	**Industry and Scientific and Technical Development Committee of the Ministry of Industry and Trade**			Page 5 of the report
12	Interagency review for licences	X	**Article 15 of the Act "On licensing" of 17 April 1995**			
13	Control lists	X	**1. Article 6 of the Act "On export controls", 1996** **2. Government Decision No. 1282 "On approval of the Schedule of products subject to export control in the Republic of Kazakhstan" of 18 August 2000**			Pages 4, 5 and 6 of the report
14	Updating of lists		**In progress**			
15	Inclusion of technologies	X	**Article 6 of the Act "On export controls", 1996**	X	**Article 243 of the Criminal Code**	Pages 3, 5 and 6 of the report
16	Inclusion of means of delivery	X				
17	End-user controls	X	**Article 2 of the Act "On export controls", 1996**			Page 5 of the report
18	Catch all clause	X	**Article 8-1 of the Act "On export controls", 1996**			
19	Intangible transfers	X	**Act "On export controls", 1996**	X	Article 243 of the Criminal Code	Page 3 of the report
20	Transit control	X	1. Article 4 of the Act "On export controls", 1996 2. Act "On combating terrorism" of 13 July 1999, as amended on 19 February 2002	X	Article 249 of the Criminal Code	Pages 3, 4 and 6 of the report

Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of CW and Related Materials? Can violators be penalized?		*National legal framework*		*Enforcement: civil/criminal penalties, and measures of implementation, etc.*		*Remarks*
		YES	*If YES, indicate source document*	*YES*	*If YES, indicate source document*	
			3. Government Decision No. 1143 "Specific issues relating to the transit of products subject to export control" of 11 August 1999 **4. Government Decision "Specific issues relating to the transit of products subject to export control" of 1999**			
21	Trans-shipment control	**X**	**Government Decision "Specific issues relating to the transit of products subject to export control" of 1999**			
22	Re-export control	**X**	**1. Article 4 of the Act "On export controls", 1996** **2. Government Decision No. 1919 "On approval of the Regulations on implementing export controls in the Republic of Kazakhstan and the Regulations on registering requirements for the use of products subject to export control brought into the Republic of Kazakhstan and checks on compliance", of December 1999**			Page 6 of the report
23	Control of providing funds					
24	Control of providing transport services					
25	Control of importation	**X**	**1. Article 4 of the Act "On export controls", 1996**			Page 6 of the report

Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of CW and Related Materials? Can violators be penalized?		*National legal framework*		*Enforcement, civil/criminal penalties, and measures of implementation, etc.*		*Remarks*
		YES	*If YES, indicate source document*	*YES*	*If YES, indicate source document*	
			2. Government Decision No. 1919 "On approval of the Regulations on implementing export controls in the Republic of Kazakhstan and the Regulations on registering requirements for the use of products subject to export control brought into the Republic of Kazakhstan and checks on compliance", of December 1999 **3. Government Decision No. 1037 "On the licensing of the export and import of goods (works, services) in the Republic of Kazakhstan", of June 1997**			
26	Extraterritorial applicability					
27	Other	**X**	**The Government adopts an annual plan of action for the further improvement of the export control system**	**X**	An automated export control system has been in operation since 2000	Page 4 of the report

OP 6, 7 and 8 (d) — Control lists, Assistance, Information

State: **Kazakhstan**

Date of report: 3 November 2004

Can information be provided on the following issues?		*YES*		*Remarks*
1	Control lists — items (goods/equipment/materials/ technologies)	X	**Government Decision No. 1282 "On approval of the Schedule of products subject to export control in the Republic of Kazakhstan" of August 2000**	
2	Control lists — other			
3	Assistance offered			
4	Assistance requested			
5	Assistance in place (bilateral/ plurilateral/multilateral)			
6	Information for industry			
7	Information for the public			